

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LACOURTE, on behalf of himself)
and all others similarly situated,) Civil Action No.:
)
Plaintiff,) 1:12-cv-09453-JSR
)
v.)
)
JP MORGAN CHASE & CO., NCO GROUP,)
INC. n/k/a EXPERT GLOBAL SOLUTIONS, INC.)
NCO FINANCIAL SYSTEMS, INC., ONE)
EQUITY PARTNERS HOLDING)
CORPORATION a/k/a ONE EQUITY PARTNERS)
LLC a/k/a ONE EQUITY PARTNERS II, L.P.,)
FORSTER & GARBUS, LLP, and DOES 1)
THROUGH 150, LAW FIRM AFFILIATES OF)
NCO GROUP, INC. AND NCO FINANCIAL)
SYSTEMS, INC.,)
)
Defendants.)
-----x

DECLARATION OF BRYAN C. SHARTLE
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Bryan C. Shartle declares as follows:

1. I am a partner at Sessions, Fishman, Nathan & Israel, L.L.C., which is counsel to defendants NCO Financial Systems, Inc. ("NCO Financial") and Forster & Garbus, LLP ("F&G") in this litigation. I make this declaration in order to put 28 exhibits (Exhibits A to BB) before the Court in connection with defendants' Motion for Summary Judgment. This declaration is based on my personal knowledge.

2. Pursuant to Rule 2(b) of this Court's Individual Rules and Procedures, we participated in a telephone conference with your Honor's Clerk on September 9, 2013. During

the conference, discovery and all related deadlines were continued. The deadline for filing summary judgment motions was moved to November 20, 2013.

3. Defendants submit the following exhibits (some or portions of which are being filed under seal per Fed. R. Civ. P. 5.2 and/or the Protective Order entered by the Court (Dkt. No. 67)):

4. Attached as **Exhibit A** is a true and correct copy of the NCO 10/18/10 Letter (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) produced by plaintiff during discovery in this lawsuit.

5. Attached as **Exhibit B** is a true and correct copy of the Transcript of 11/11/10 Conversation produced by NCO Financial during discovery in this lawsuit

6. Attached as **Exhibit C** is a true and correct copy of the F&G 12/9/10 Letter (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) produced by plaintiff during discovery in this lawsuit.

7. Attached as **Exhibit D** is a true and correct copy of the State Court Complaint (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) produced by F&G during discovery in this lawsuit.

8. Attached as **Exhibit E** is a true and correct copy of the F&G 2/21/11 Letter produced by plaintiff during discovery in this lawsuit.

9. Attached as **Exhibit F** is a true and correct copy of Plaintiff's Answer in the underlying state court lawsuit, styled *American Express Centurion Bank vs. James LaCourte*, District Court of the State of New York, County of Suffolk, 2nd District, Babylon, index no. 714/11, produced by plaintiff during discovery in this lawsuit.

10. Attached as **Exhibit G** is a true and correct copy of the 5/6/11 Tusa Letter (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) produced by F&G during discovery in this lawsuit.

11. Attached as **Exhibit H** is a true and correct copy of the 4/5/12 Tusa Letter (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) produced by plaintiff during discovery in this lawsuit.

12. Attached as **Exhibit I** is a true and correct copy of the Stipulation of Dismissal in the underlying state court lawsuit, styled *American Express Centurion Bank vs. James LaCourte*, District Court of the State of New York, County of Suffolk, 2nd District, Babylon, index no. 714/11, produced by plaintiff during discovery in this lawsuit.

13. Attached as **Exhibit J** is a true and correct copy of the Deposition of James LaCourte (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

14. Attached as **Exhibit K** is a true and correct copy of the Deposition of Paul Lavarta (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

15. Attached as **Exhibit L** is a true and correct copy of the Deposition of Iching Chao (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

16. Attached as **Exhibit M** is a true and correct copy of the Deposition of Lisa Reed (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

17. Attached as Exhibit N is a true and correct copy of the Deposition of Sandeep D. Behari (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

18. Attached as Exhibit Q is a true and correct copy of the Deposition of Joel D. Leiderman (Volume I) (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

19. Attached as Exhibit P is a true and correct copy of the Deposition of Joel D. Leiderman (Volume II) (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was taken in relation to this lawsuit.

20. Attached as Exhibit Q is a true and correct copy of the Affidavit of Paul Lavarta that was produced by F&G in this lawsuit.

21. Attached as Exhibit R is a true and correct copy of the Affidavit of Iching Chao that was produced by NCO Financial in this lawsuit.

22. Attached as Exhibit S is a true and correct copy of an Excerpt of MSA (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was produced by NCO Financial during this lawsuit.

23. Attached as Exhibit T, is a true and correct copy of an Excerpt of Attorney Agreement (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was produced by NCO Financial during this lawsuit.

24. Attached as Exhibit U is a true and correct copy of an Excerpt of Transcript of 4/2/13 Hearing in this lawsuit.

25. Attached as **Exhibit V** is a true and correct copy of an Affidavit of Joel Leiderman (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)).

26. Attached as **Exhibit W** is a true and correct copy of an Affidavit of Walter Leicher (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)).

27. Attached as **Exhibit X** is a true and correct copy of an Affidavit of Amy Gavlik (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)).

28. Attached as **Exhibit Y** is a true and correct copy of an Affidavit of Edward Damsky (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)).

29. Attached as **Exhibit Z** is a true and correct copy of an Affidavit of Lisa Reed (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)).

30. Attached as **Exhibit AA** is a true and correct copy of an Attorney Manual (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was produced by NCO Financial in discovery during this lawsuit.

31. Attached as **Exhibit BB** is a true and correct copy of Plaintiff's Experian Report (attachment and/or exhibit not filed per Fed. R. Civ. P. 5.2 and/or Protective Order (Dkt. No. 67)) that was produced by plaintiff in discovery during this lawsuit.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 19, 2013 in Metairie, Louisiana.

/s/ Bryan C. Shartle
BRYAN C. SHARTLE